

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

I. Status of the Claims

Claims 1-13 are pending in this application.

II. Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, and 4-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,783,082 to Almog ("Almog '082") or U.S. Patent No. 3,732,138 to Almog ("Almog '138"). The Examiner states that Almog '082 discloses all the features of claim 1, including two metal face sheets (2, 6) connected with a polymer material (8) and with lightweight insulating material (4) inserted into the core. See Figure 1. The Examiner states that Almog '138 discloses all the features of claim 1, including two metal face sheets (112, 114) connected with a polymer material (119) and with lightweight insulating material (111) inserted into the core. See Figure 15.

This rejection is respectfully traversed. Claim 1 recites a core of "compact" plastics or polymer material. The specification at page 4, line 30 to page 5, line 2, describes "compact" as "not foamed." It is "firmly settled that an applicant may act as a lexicographer in the specification." *Kumar v. Ovonic Battery Co.*, 351 F.3d 1364, 1368 (Fed. Cir. 2003). It is respectfully submitted that the term "compact" would be known to one skilled in the art as meaning "not foamed," and in any event, the term is clearly described in the specification. In contrast, Almog '082 discloses bonding the facing layers together with rigid foam, particularly polyurethane foam or polyester foam. See column 1, lines 19-30. Almog '138 discloses bonding the layers together with rigid plastic foam, including polyurethane foam and polyester foam. See column 1, lines 4-8 and column 2, lines 10-12. Neither Almog '082 nor Almog '138 disclose a core of *compact* plastics or polymer material.

Thus, because not all the features of claim 1 are disclosed in Almog '082 or Almog '138, these references do not anticipate claim 1. Additionally, claims 2 and 4-7 depend from claim 1, and are therefore patentable for at least the same reasons presented above for claim 1.

Claims 1 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0035266 to Kennedy ("Kennedy"). The Examiner states that Kennedy discloses all the features of claims 1 and 10, including two metal face sheets (134, 136) connected with a polymer core (138) which contains lightweight forms (141) which can be considered insulating material. See Figure 15 and Abstract.

This rejection is respectfully traversed. Claims 1 and 10 recite a plurality of relatively lightweight forms disposed within the core and made of a fire resistant insulating material. In contrast, Kennedy discloses additives to enhance the fire resistance of the core, not of the forms. See paragraph [0087]. Kennedy does not disclose additives to enhance the fire resistance of the forms, or forms made of a fire resistant insulating material.

Thus, because not all the features of claims 1 and 10 are disclosed in Kennedy, it is respectfully submitted that these claims are patentable over Kennedy.

II. Rejections Under 35 U.S.C. § 103(a)

Claims 3, 8, 9, and 11-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Almog '082 or Almog '138. The Examiner states that Almog '082 or Almog '138 disclose all the features of claim 3, except the barrier being in tube form, and all the features of claims 8, 9, and 11-13 except the specific properties of the insulating material. The Examiner also states that it would have been obvious to modify Almog '082 or Almog '138 to achieve the claimed invention.

This rejection is respectfully traversed. Claims 3, 8, 9, and 11-12 depend directly or indirectly from claim 1, and are therefore patentable for at least the same reasons presented above for claim 1. Furthermore, one skilled in the art would not be motivated to modify Almog '082 or Almog '138 to achieve the claimed invention. Almog '082 suggests filling the space between the layers (2, 6) with polystyrene foam or glass wool because of their low cost, not because of their fire resistance. See column 2, lines 61-66. There is no disclosure or suggestion in either Almog '082 or Almog '138 that the fire resistance qualities of glass wool are even relevant. Moreover, the panels described by Almog '082 or Almog '138 would have negligible fire resistance since the rigid foams

employed would quickly melt or decompose under a significant heat load. Thus, the fire resistance of the filler material is irrelevant. One skilled in the art thus would not be motivated to modify Almog '082 or Almog '138 to achieve a particular density, ignition point, or melting point of the insulating material.

Applicant therefore respectfully submits that claims 3, 8, 9, and 11-12 are patentable over Almog '082 or Almog '138.

CONCLUSION

In view of the above amendments and remarks, it is believed that claims 1-13 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

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Respectfully submitted,

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